

Remarks

Claims 68-72 and 74-78 are pending in the application and these claims stand rejected under 35 U.S.C. § 103(a) as being unpatentable over what the Examiner considers to be Applicant's Admitted Prior Art (AAPA) in view of Hume et al. (U.S. Patent No. 5,467,259). Applicant requests the Examiner reconsider this rejection in view of the following remarks.

Claim 68 recites a semiconductor fabrication apparatus. The apparatus of claim 68 includes a plurality of lamps positioned proximate a substrate, and a plurality of reflectors associated with the lamps. As recited in claim 68 individual ones of the reflectors are associated with individual ones of the lamps, and the reflectors have a rugged reflective surface.

Importantly claim 68 does not recite just any apparatus, but a semiconductor fabrication apparatus. Further, the semiconductor apparatus of claim 68 includes not one, but a plurality of lamps and reflectors associated with the lamps. Still further, claim 68 recites that the reflectors have a rugged reflective surface.

To reject claim 68, the Examiner has relied primarily on the Figs. 2 and 3 of Applicant's disclosure in combination with the disclosure of Hume directed to individual lamps to conclude that claim 68 and all claims depending therefrom are obvious. This rejection is erroneous and should be withdrawn for at least the reason it fails to satisfy the Examiner's prima facie burden when relying on obviousness to reject claims.

While some argue the prima facie burden when asserting obviousness has been limited recently, at the very least, the burden is still one of reasonableness; meaning the

combination of references must be reasonable. With regard to claim 68 it is unreasonable to combine the semiconductor fabrication disclosure of the Applicant with a disclosure directed to low voltage reflector lamps employed in display lighting applications.

To justify this combination of references the Examiner has stated that person of ordinary skill would have been motivated to fabricate the claimed apparatus in order to design a light source capable of directing light precisely, permitting highlighting and profiling a well defined beam of light and also in order to allow most of the heat from the light to pass backwards through the reflector whilst directing the beam forward as taught by Hume. The above may well be a motivation to use the technology of Hume in display lighting applications; it is neither fair nor reasonable to consider this a motivation for utilizing the technology of Hume in a semiconductor fabrication apparatus.

While the Examiner is reminded that Applicant's own disclosure may not be used to form the basis of a rejection, Applicant describes that at least one of the problems they recognized when using the apparatus of the prior art is the uneven heating across a substrate. As the Examiner recognized, Hume describes a light source capable of directing light precisely, permitting highlighting and profiling a well defined beam of light and also in order to allow most of the heat from the light to pass backwards through the reflector whilst directing the beam forward. It is unreasonable to opine that a technology directed at focusing light from a single source while at the same time allowing heat from that source to pass through the reflector would provide even heating to a substrate in a semiconductor fabrication apparatus when applied in plurality. Upon recognizing the need for even heating and the failure of the prior art to meet this need (the latter of which is part


of the applicants disclosure and not part of the prior art), a person of ordinary skill would not be motivated to utilize the technology of Hume for at least the reason that Hume's apparatus provides directed well defined light and allows heat to pass backwards through the reflector. A reasonable person of ordinary skill in the art could only conclude based on Hume's disclosure that Hume's lamps would not provide even heat across the substrate and may in fact not heat the substrate at all since the heat in Hume's lamp passes backwards through the reflector. For at least the reason a person of ordinary skill in the semiconductor fabrication arts would not be motivated to combine the cited references, claim 68 is allowable.

The remaining claims depend from claim 68 and are allowable for at least the reasons given above regarding claim 68 as well as their own patentable features.

Claims 68-72 and 74-78 are believed to be in condition for allowance for the reasons discussed above. Applicant therefore respectfully requests allowance of claims 68-72 and 74-78 in the Examiner's next action. If the Examiner's next anticipated action is to be anything other than a Notice of Allowance, the Examiner is requested to contact the undersigned at (509) 624-4276 between 8:00 a.m. and 5:00 p.m. (PST).

Respectfully submitted,

Dated: 1/25/08

By: 
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